

Tuesday, March 17, 2026

Co-Chair West, Co-Chair Kotyza-Witthuhn, and Members of the Children and Families Finance and Policy Committee,

My name is Osahon Akpata-Tanious, Executive Director of Foster Advocates. We are writing in support of HF3901 / SF3881, the Office of the Foster Youth Ombudsperson ("OOFY") Statutory Amendment.

Foster Advocates led and championed the creation of the Office of the Foster Youth Ombudsperson because young people in foster care need a neutral, independent office they could trust, an office to ensure accountability and safeguard their rights while in the state's care. When OOFY was first established through HF3845/SF4209, it marked a historic step toward accountability for the state systems responsible for the care of young people. Nearly two years later, this bill provides essential clarifications that ensure OOFY can effectively fulfill that original promise.

This amendment strengthens the office's ability to carry out its oversight role by:

- Affirming OOFY's right to meet privately with Foster youth.
- Aligning retaliation protections to safeguard youth who raise concerns.
- Increasing efficiency and transparency by clarifying access to agency records and systems necessary for investigations.

These provisions are not expansions of authority, but clarifications of the original legislative intent. These are tools the office should already possess to fulfill its mission effectively. Oversight without effective tools is symbolism; this bill ensures accountability becomes real.

When youth in foster care share concerns, they do so at great personal risk. The fear of retaliation or being ignored silences too many. OOFY exists to interrupt that cycle, and it cannot do so without timely access to the complete information needed to assess and resolve complaints while maintaining confidentiality.

We understand that any clarification involving data systems can raise valid concerns about privacy and appropriate access. This amendment does not expand who may view sensitive information; it reinforces that OOFY, as an independent oversight body, must operate under the same confidentiality and data protection standards as other statutory entities. Effective oversight depends on both access and accountability, and this bill ensures OOFY has what it needs to carry out its duties responsibly and transparently.

**From the beginning, our intention in advocating for OOFY's creation was to ensure the office had access to the information and systems necessary to respond swiftly and independently to youth concerns.**

**Clarifying this today restores that intent and reinforces the State's commitment to transparency, accountability, and the safety of Minnesota's Fosters.**

Foster Advocates respectfully urges the Committee to support this amendment and ensure OOFY has the clear statutory authority it needs to continue standing with and for young people in care.

Osahon Akpata-Tanious  
Executive Director  
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March 17, 2026

**RE: Advancing the Child Safety Vision of Harvey's Law (HF 4277) While Addressing Three Key Improvements**

Dear Chair West and Members of the Children and Families Committee:

Children's Defense Fund Minnesota (CDF-MN) researches, develops and advocates for policies and programs that improve the health and well-being of children, and increase the economic security of families. Last week, we submitted a letter to the Committee expressing our strong support for Representative West's bill. We reaffirm the support expressed in our March 12, 2026 letter. We remain grateful for the Committee's attention to this issue and for your willingness to examine how Minnesota can better protect young children in child care settings. **We write today to reiterate our strong support and to recommend a few changes that would strengthen the bill and better safeguard the health and well-being of young children.**

The testimony shared last week by Harvey's parents, grandmothers, and the many supporters who spoke about their love for this dear 11-month-old boy was heartbreaking. No child should ever experience such harm, especially in a place where they are supposed to be safe and cared for. Harvey and his family remain in our hearts, and the courage his family has shown in sharing his story has helped shine a light on the urgent need to strengthen protections for children in care.

This conversation is about the safety of infants, toddlers, and preschoolers - children who are too young to protect themselves, and too young to tell us when something is wrong. Every day in Minnesota, parents place enormous trust in child care providers when they leave their children in someone else's care. They trust that their babies will be held gently, that their toddlers will be comforted when they cry, and that their preschoolers will be treated with patience and kindness. That trust must be protected with every reasonable safeguard available to us.

We know from research and from investigations across the country that abuse in early childhood settings is significantly underreported. Many young children cannot communicate what has happened to them, and some forms of harm can remain hidden until long after the maltreatment has occurred. For this reason, experts in child welfare, early childhood development, law enforcement, and health care have increasingly recognized child safety technology - including cameras - as one tool that can help deter abuse and protect children. The presence of cameras can discourage harmful behavior, provide clarity when concerns arise, and help ensure accountability in environments where very young children spend many hours each week.'

At the same time, it is important to recognize that the overwhelming majority of Minnesota's child care providers are caring, nurturing professionals who love the children in their care. Every day, providers across our state comfort babies, encourage toddlers as they learn to walk and talk, and help preschoolers grow and thrive. Their work supports families and strengthens communities. Policies that strengthen safety should not diminish that dedication; rather, they can help reinforce trust in the child care system and protect both children and providers.

While we strongly support the purpose and goals of this legislation, we believe three changes would help ensure that protections are equitable, workable, and centered on the safety of all infants and toddlers in child care:

- (1) **Child safety protections should not single out publicly funded programs.** The bill currently applies only to licensed child care centers that received public funds – Child Care Assistance Program funds, Early Learning Scholarships, and Great Start Compensation Support Payments. Families should be able to trust that the same safety standards apply across all licensed child care programs, regardless of whether the program receives public funds;
- (2) **Grants should be available to help providers install and maintain required child safety technology.** Many providers operate on narrow margins, and financial support will help ensure that safety improvements can be implemented without placing additional strain on the early childhood workforce; and

- (3) **Privacy protections must be strong and clearly defined.** Safeguards should ensure that video footage is secure, accessed only under appropriate circumstances, and used in ways that protect the dignity and privacy of children, families, and providers.

Ultimately, we believe that Minnesota must act now to address the safety of young children in child care. Even one instance of abuse is too many when it involves a baby who cannot speak or a toddler who cannot explain what happened. We have the opportunity - and the responsibility - to put stronger protections in place.

We know that every member of this Committee is deeply committed to the well-being of children and shares the goal of ensuring that no child experiences abuse in a place that is meant to keep them safe. **We encourage a bipartisan solution that keeps young children at the center, supports providers, and gives families confidence that their children are protected.**

Thank you for your commitment to Minnesota's youngest children, and helping ensure they can learn, play and grow in safe, nurturing environments. We are grateful for your service and your continued commitment to the well-being of Minnesota children.

Together For Children,

/s/ Alexandra Fitzsimmons, Esq.  
Senior Policy Director

March 12, 2026

Re: [Support for HF3901 \(Johnson, W.\)](#): Investigative powers added to the Office of the Foster Youth Ombudsperson

Dear Chair and Members,

As Ombudsperson for Corrections, I write to express my support for HF3901 (Johnson, W.). This bill provides that ombudsperson offices have express access to the data necessary to fulfill their statutory role.

Although this bill does not directly impact the work of our office, such language and access to data is typical of ombuds work, including ours. This access to data is critical to being able to fulfill the statutory duty of ombuds work with the full scope of its authority.

Ombudspersons must be able to receive and act on complaints, conduct investigations, review systemic concerns, work towards resolutions, and make recommendations regarding the activities of state and governmental entities with transparency and accuracy. An ombuds can only function well if the office is able to access data without impediments or influence by those who hold the data.

Some of our state's most vulnerable community members rely on ombuds offices who have jurisdiction over agencies and facilities that serve youth, including the Minnesota Department of Children, Youth, and Families facilities and entities licensed by the Department of Corrections and the Department of Human Services. Ombudspersons must be able to conduct independent investigations and provide client-centered assistance within the full scope of their authority.

In support of the important work of ombuds offices, I ask that you support HF3901.

Sincerely,



Margaret Zadra  
Ombudsperson for Corrections

## SF3881/HF3901 - OOFY Statutory Changes Testimony 2026

- Thank you chairs and members. Again, my name is Misty Coonce and I am the Ombudsperson for Foster Youth. After nearly two years of operations, OOFY is requesting changes in three areas of our enabling statute — retaliation protection, private meetings, and records access. I will spend my time today discussing records access.
- The lack of direct access to the social services information system, or SSIS, greatly affects our ability to investigate decisions being made about children and youth in foster care.
- Since July, we have requested data from DCYF for about one case a week, and in that time, delays have gotten longer. Some requests, including those related to the decision-making of DCYF, remain unfilled. In one example, it took two months to find out whether there were Minnesota foster youth at a facility that had made national news due to concerning allegations.
- DCYF has stated concerns about the burden of our requests on their staff. Ultimately, giving us access to SSIS would address this concern and eliminate the time their staff needs to spend pulling records.
- While there may be technical concerns about SSIS, we still have not been able to agree on what OOFY should have access to and what should be left up to DCYF to decide. We have received conflicting information about who has access and to what information; ultimately, we are forced to believe that the barriers being presented to us have no workaround.
- While the plan is for DCYF to grant us case-by-case access in a few years, this does not align with the language that already exists in our statute that grants the OOFY the discretion to determine the scope of an investigation. We are not required to disclose information about investigations to get data. We see this as an issue of transparency.
- We have heard concerns about data privacy, which we discussed in the letter provided today. We do not think it is reasonable to use these concerns as a justification to entirely block our direct access to information.
- We have worked to find a solution since before we opened in 2024, which includes proposing an interagency agreement to address their concerns. The reality is that we have not even been able to agree on reasonable deadlines for response. Right now, when our requests go unfilled, there is little recourse for our agency.
- We hope you can understand the predicament we are in; we are here to investigate decisions being made about children and youth, in order to ensure their health, safety, and welfare. Yet, we are in a position of needing to request data from the agencies whose decision-making we are charged with investigating.
- Thank you for your time and your continued commitment to Minnesota foster youth.

March 17, 2026

**Re: SF3881/HF3901 | Office of the Foster Youth Ombudsperson Statutory Changes**

Dear Chairs and Members of the Committee:

For nearly two years, the Office of the Foster Youth Ombudsperson has been here to listen to foster youth, thanks in large part to your passage of the bill creating our office in 2022. Like any legislation, there are a few areas we would like to clarify and strengthen, after two years of putting our charge into practice. We are requesting changes in three areas — retaliation protection, private meetings, and records access.

**Retaliation protection**

We are requesting changes to ensure our statute is consistent, so that if we can investigate an entity, they are also prohibited from retaliating against a foster youth for contacting our office.

Our current statute allows us to investigate an agency, or family foster home, custodian, parent, or facility licensed by the state, but only prohibits retaliation from facilities or foster homes ([Minnesota Statutes 2025, section 260C.82, subdivision 4](#)). If we can investigate an agency, or custodian or parent licensed by the state, they should also be prohibited from retaliation against foster youth.

**Private meetings**

Right now, if we need to privately communicate with a foster youth, we may exchange protected physical mail that others are not allowed to open. However, our statute does not explicitly state that our staff are allowed to have private phone calls or meet with children and youth outside of the hearing of others.

If a young person fears retaliation or they are being listened to as they talk with us, they may feel unsafe raising concerns or withhold critical information. Ensuring the right to confidential, private communication is essential to protecting youth from harm.

**Records access**

**Background**

Currently, our office has access to some court records through [Minnesota Government Access](#), but we must request foster care case records and data. For the vast majority of cases, we go directly to the county and request what we need. Sometimes, the responses are prompt and comprehensive, and sometimes they require multiple meetings and follow-up requests, and are still incomplete. In one example, data that substantiated a complaint was provided to another entity but omitted from the records sent to us.

For some situations, we request data from the Dept. of Children, Youth, and Families (DCYF) rather than going directly to the county. We request data from DCYF when we want to better understand a concern before meeting with the county, when there may be sensitive concerns, or when DCYF is the only entity that holds the data.

### Current process

Since July, the process proposed by DCYF has been to email our requests. For the ~155 concerns reported to us in that time period, we have requested data from DCYF in approximately 30 cases (averaging one a week). The vast majority of these required us to follow-up one or more times. Some requests were never fulfilled or acknowledged, and due to time-sensitivity, we opted to request directly from the county, despite our determination that requesting from DCYF was the best approach.

Since then, the delays have gotten longer and longer, well beyond DCYF's stated goal of 10 days, with some requests waiting months to be fulfilled.

The records we seek contain vital information — including the very basics, such as whether a youth is in foster care. Our lack of access creates barriers that significantly limit our ability to respond quickly, effectively, and efficiently. Currently, we also have little recourse when our requests go unfilled.

### Agency concerns

We understand that DCYF may have concerns about data privacy. Like other government entities, OOFY complies with the Chapter 13 Data Practices Act and additionally have our own statutes regarding data protection and privacy. Our current statutes already give us access to private and confidential data on individuals, such as juvenile court data, foster care placement data, and medical data ([Minnesota Statutes 2025, section 260C.82, subdivision 7](#)).

We have also heard that DCYF is unable to give us access to only those areas which are relevant to an investigation. While there may be information included in SSIS that is outside of the area of our inquiry, those decisions should be made in alignment with the language that already exists in our statute that grants the ombudsperson the discretion to choose to investigate, and determine the scope and manner of an investigation ([Minnesota Statutes 2025, section 260C.82, subdivision 2](#) and [subdivision 4](#)). We are not required to disclose the substance of a complaint in order to get data.

We have heard concerns about possibly seeing privileged information, but the training to counties is clear that that information should not be written in case notes. And in fact, others we have asked who have SSIS access report rarely or never coming across privileged information. If there are other entities outside the attorney-client relationship who access SSIS, we would also be willing to agree to the same or similar language used to address concerns about privilege. Ultimately, blocking data access entirely because of this concern does not seem to be reasonable.

Additionally, we have heard concerns about seeing private or confidential data that is beyond the scope of our inquiry. Ultimately, we may see data in our investigatory role that we are not seeking, with or without SSIS access

(for instance, when we review court records or records from counties). However, this is true for us and many others. As state employees, we abide by the Data Practices Act, to ensure we are fulfilling our duties to protect data. We have also consulted with the [Data Practices Office](#) and incorporated all of their suggested language.

We have heard conflicting information as to whether or not it is possible to give us access, and we have heard conflicting information about who has access and to what information. It is our understanding that we are not asking for access that is technically very different from the access that others have (for instance, the Constituent Services Line at DCYF). Ultimately, we are forced to believe that the barriers being presented to us have no workaround.

Of 24 child-serving ombuds offices with data available, 13 had explicit login access to their data systems and 11 varying degrees of records access. We heard from other offices that, while similar hypothetical concerns have been raised from the agencies they are overseeing, they have not been issues in practice.

#### Solutions offered

Despite working on this issue since OOFY opening in 2024, no meaningful progress has been made. In fact, we are experiencing increasing obstacles and longer response times. We have repeatedly tried to engage with DCYF and offer solutions. Some of those include:

- Ombudsperson is required to go in-person to access SSIS, as we understand some DCYF contractors have been able to do.
- OOFY and DCYF enter into an interagency agreement, as the Department of Health has done for their SSIS access, to address concerns.
- Temporary solution: OOFY and DCYF agree on reasonable deadlines for response or other ways requests can be expedited.

While we understand that DCYF may be working towards the modernization of SSIS, we respectfully request that our office be given the tools to efficiently enact the charge we have been given— to investigate decisions being made about children and youth, in order to ensure their health, safety, and welfare.

Sincerely,



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